

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 1091 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----  
RANINGBHAI RAMBHAI BABARIYA

Versus

STATE OF GUJARAT

-----  
Appearance:

MR YS LAKHANI for Petitioners  
Mr. Gokhil, APP for Respondent No. 1  
Mr. B.D. Karia for the Complainant

-----  
CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 22/04/98

ORAL JUDGEMENT

Heard learned Advocate Mr. Y.S. Lakhani for petitioners and Mr. B.D. Karia for the original complainant. Rule. Learned APP Mr. Gokhil waives service of Rule on behalf of Respondent State.

Parties have not pressed for reasoned order.  
Having regard to the facts and circumstances apparent

from the record in the context of submission urged at the Bar, it is ordered that in the event of arrest of the present petitioners in respect to Crime Register No.20/98 registered at Menderda Police Station, District Junagadh, each of them be released on bail on their executing a personal bond of Rs. 5,000/- (Rupees five thousand only) and furnishing one surety for the like amount subject to the following conditions:

1. The petitioners shall remain present before the trial court regularly as and when directed on dates fixed;
2. The petitioners shall report at the Menderda Police Station on the 1st and 15th day of each month during the currency of this order, between 11:00 AM and 2:00 Noon/PM.
3. The petitioners shall make themselves available for interrogation by a police officer whenever and wherever required.
4. The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade them from disclosing such facts to the Court or to any Police officer.
5. The petitioners shall not obstruct or hamper the police investigation and not play mischief with the evidence collected or yet to be collected by the police.
6. The petitioners shall at the time of execution of bond furnish the address to the Investigating Officer and the Courts at Junagadh, and shall not change their residence till the final disposal of the case or till further orders.
7. The petitioners shall not leave the place of their residence for a period beyond five days without the permission of the Court. Further, they shall not leave India without the permission of the Court.
8. It would be open to the investigation officer to file an application for remand if he considers it proper and the learned Magistrate would decide it on merits.

All of which conditions shall be treated as conditions on which bail is granted. This order will hold good if the petitioners are arrested at any time within 90 days from today. The order for release on bail will remain operative only for a period of ten days from the date of his arrest. Thereafter it will be open to the petitioners to make a fresh application for being enlarged on bail which when it comes before the Competent Court will be disposed of in accordance with law, having regard to all the attendant circumstances and the materials available at the relevant time uninfluenced by the fact that Anticipatory Bail is granted by this Court to the petitioners.

Rule is made absolute accordingly. No order as to costs.

-----

p.n.nair